

ESTTA Tracking number: **ESTTA554997**

Filing date: **08/20/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91198552
Party	Plaintiff Raising Cane's USA, L.L.C.
Correspondence Address	S LLOYD SMITH BUCHANAN INGERSOLL & ROONEY PC PO BOX 1404 ALEXANDRIA, VA 22314 UNITED STATES holly.lance@bipc.com, florence.goodman@bipc.com, lloyd.smith@bipc.com
Submission	Motion to Extend
Filer's Name	Holly B. Lance
Filer's e-mail	holly.lance@bipc.com, lloyd.smith@bipc.com
Signature	/s/ / Holly B. Lance /
Date	08/20/2013
Attachments	Raising Cane's Motion to Extend Discovery.pdf(455608 bytes) Motion to Extend Discovery Exhibits 1-11.pdf(2810943 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<p>In re Matter of Serial No. 77/549,263 <i>for the mark:</i> ONE LOVE</p> <p>RAISING CANE'S USA, LLC,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">vs.</p> <p>FIFTY-SIX HOPE ROAD MUSIC LIMITED,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. 91198552</p> <p>OPPOSER/REGISTRANT RAISING CANES USA, LLC'S MOTION TO EXTEND DISCOVERY 30 DAYS FOR THE LIMITED PURPOSE OF DEPOSING FIFTY-SIX HOPE ROAD MUSIC LIMITED'S WITNESSES ORIGINALLY NOTICED FOR OCTOBER 24 AND 25, 2012</p>
<p><i>In re Matter of Registration No. 3,033,511 for the mark:</i> ONE LOVE</p> <p>FIFTY-SIX HOPE ROAD MUSIC LIMITED,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">vs.</p> <p>RAISING CANE'S USA, LLC,</p> <p style="text-align: center;">Registrant.</p>	<p>Cancellation No. 92053461</p>

Registrant/Opposer Raising Cane's USA, LLC ("Registrant") moves to extend discovery 30 days for the limited purpose of deposing Petitioner/Applicant Fifty-Six Hope Road Music Limited's ("Petitioner") witnesses, Michael Conley and one or more 30(b)(6) witnesses, in response to deposition notices originally noticed for October 24 and 25, 2012. As detailed

below, Petitioner has repeatedly ignored and refused Registrant's requests for acceptable deposition dates.

Between the time it noticed the depositions in early October 2012 to the time of this filing, Registrant has made approximately 17 attempts to schedule and take the depositions of Petitioner. Time after time, Petitioner has rejected Registrant's attempts to schedule the depositions for a mutually agreeable date, and has not provided a *single* date on which its witnesses will be available. In order to allow Registrant to take the depositions of Petitioner's witnesses, Registrant proposes that the deadlines be reset to the following dates:

Deadline for Depositions of Defendant's Witnesses	9/19/2013
Plaintiff's Pretrial Disclosures Due	10/4/2013
Plaintiff's 30-day Trial Period Ends	11/18/2013
Defendant's Pretrial Disclosures Due	12/3/2013
Defendant's 30-day Trial Period Ends	1/17/2014
Plaintiff's Rebuttal Disclosures Due	2/1/2014
Plaintiff's 15-day Rebuttal Period Ends	3/3/2014

I. Petitioner has Repeatedly Obstructed Registrant's Attempts to Schedule the Depositions of Petitioner's Witnesses

Registrant served its Notice of Deposition of Michael Conley, an individual listed in Petitioner's Initial Disclosures, as well as a Notice of Deposition Pursuant to Rule 30(b)(6), on October 4 and October 10, 2012¹, respectively. *See* Registrant's Exhibit 1. The noticed deposition dates were October 24 and 25, 2012. *Id.* On October 11, Petitioner's counsel claimed that the depositions could not be held "for a variety of reasons – including the fact that Jill [Pietrini, one of Petitioner's attorneys] is scheduled for jury duty from October 16 to October 29 (and has already been excused from service once)." *See* Registrant's Exhibit 2.

¹ Petitioner's counsel's law firm maintains two offices in Los Angeles. Registrant's Notice of Deposition for Michael Conley was sent by first-class mail on October 4, 2012 to the improper Los Angeles address. Petitioner's counsel claimed that it had not received the Notice of Deposition, and Registrant's counsel sent a version by e-mail on October 10, 2012. Registrant's Notice of Deposition Pursuant to Rule 30(b)(6) was served October 10, 2012.

Registrant exhausted its “meet and confer” obligations by contacting opposing counsel on numerous occasions over several months to attempt to re-schedule the depositions. Despite Registrant’s requests to Petitioner for proposed alternative depositions dates on October 23, November 12, November 19, November 26, and December 7, 2012, Petitioner’s counsel failed to provide any indication of when its client’s witnesses would be available. *See* Registrant’s Exhibit 3.

In an e-mail dated December 9, 2012, Petitioner’s counsel asserted that it would “do [its] best” to provide proposed dates by December 14, 2012, but “[o]f course, this may be mooted by our motion to compel and the Board’s likely suspension of the matter.” *See* Registrant’s Exhibit 4. This latter assertion contradicted TBMP § 523.01, a point confirmed by the Board in its December 12, 2012 order: “This suspension order does **not** toll the time for either party to ...appear for a discovery deposition which had been duly noticed prior to the filing and service of the motion to compel.”

Petitioner’s self-imposed December 14, 2012 deadline passed without any communication from Petitioner’s counsel. In response to Registrant’s complaints, the Board’s December 27, 2012 order admonished Petitioner, stating that “Fifty Six is reminded that the December 12, 2012 suspension did not toll the time for either party to appear for a discovery deposition...” It was not until January 8, 2013, in response to Registrant’s inquiry regarding the depositions of its witnesses, that Petitioner noted that Mr. Conley and Petitioner’s 30(b)(6) witness were “generally available in February,” and requested Registrant to provide proposed dates. *See* Registrant’s Exhibit 5. Petitioner promptly provided Petitioner multiple February 2013 dates. *See* Registrant’s Exhibit 6.

When Petitioner failed to respond, Registrant followed up with Petitioner's counsel on January 22 and January 24, 2013. *See* Registrant's Exhibit 7. Finally, on January 29, 2013, Petitioner responded, without any explanation of its delay, that it would "get back to [Registrant] on the proposed dates for RC's witnesses' depositions." *See* Registrant's Exhibit 8.

On February 22, 2013, Petitioner sent Registrant a request for a conference with the Board's Interlocutory Attorney to discuss the delays in deposition scheduling. *See* Registrant's Exhibit 9. Petitioner never responded to this request.

The Board's June 17, 2013 order reopened discovery through August 20, 2013 so that the parties could complete discovery. On June 20, 2013, Registrant re-noticed the depositions for Mr. Conley and Petitioner's 30(b)(6) witness for July 17 and 18, 2013, the very same depositions it had noticed for October 24 and 25, 2012. *See* Registrant's Exhibit 10. Although Petitioner already had a continuing obligation to respond to Registrant's original deposition notices, Registrant's aim was to preclude further procedural excuses by Petitioner that would result in obstructing Registrant's ability to conduct depositions. Registrant sent follow-up correspondence on July 8, July 10, July 15, July 18, and August 1, 2013 requesting alternative deposition dates. *See* Registrant's Exhibit 11. In addition, Registrant discussed deposition scheduling with opposing counsel by telephone on July 16, but to no avail. To date, Petitioner has failed to offer any proposed deposition dates as an alternative to the dates noticed by Registrant.

II. Petitioner's Pattern of Evasion Constitutes Bad Faith and is in Violation of the Board's Orders

Petitioner has attempted to avoid participating in discovery depositions for nearly 10 months. Registrant has been cooperative and consistent in its attempts to work with Petitioner. In contrast, Petitioner has refused to cooperate. Petitioner's actions constitute bad faith – it

initiated this proceeding, causing Registrant to expend significant resources, yet it continues to unnecessarily and inexplicably prolong the resolution of the dispute. Moreover, Petitioner is flouting the Board's orders, as the Board expressly noted in its December 12 and 27, 2012 orders that Petitioner must appear for Registrant's properly noticed discovery depositions.

III. Conclusion

In view of Petitioner's history of impeding Registrant in taking its duly noticed depositions, Registrant respectfully requests that discovery be extended for 30 days *only* to allow Registrant to take the previously-noticed depositions of Petitioner's witnesses.

RAISING CANES USA, LLC

By 

Bassam N. Ibrahim

S. Lloyd Smith

Holly B. Lance

Buchanan Ingersoll & Rooney, P.C.

P.O. Box 1404

Alexandria, VA 22313-1404

(703) 836-6620

Attorneys for Opposer/Registrant

Dated: August 20, 2013

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **OPPOSER/REGISTRANT RAISING CANE'S USA, LLC'S MOTION TO EXTEND DISCOVERY 30 DAYS FOR THE LIMITED PURPOSE OF DEPOSING FIFTY-SIX HOPE ROAD MUSIC LIMITED'S WITNESSES ORIGINALLY NOTICED FOR OCTOBER 24 AND 25, 2012** was served this 20th day of August, 2013 by first-class mail, postage prepaid, on:

Jill M. Pietrini, Esq.
Paul Bost, Esq.
SHEPHERD MULLIN RICHTER & HAMPTON LLP
1901 Avenue of the Stars
Suite 1600
Los Angeles, CA 90067

Michelle A. Jackson

Exhibit 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<i>In re Matter of Serial No. 77/549,263</i> <i>for the mark:</i> ONE LOVE RAISING CANE'S USA, LLC, Opposer, vs. FIFTY-SIX HOPE ROAD MUSIC LIMITED, Applicant.	Opposition No. 91198552
<i>In re Matter of Registration No. 3,033,511</i> <i>for the mark:</i> ONE LOVE FIFTY-SIX HOPE ROAD MUSIC LIMITED, Petitioner, vs. RAISING CANE'S USA, LLC, Registrant.	Cancellation No. 92053461

NOTICE OF DEPOSITION OF MICHAEL CONLEY

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30, Registrant/Opposer Raising Cane's USA, LLC shall take the oral deposition of Michael Conley at the offices of Zion Rootswear LLC, 465 Tresca Road, Jacksonville, FL 32225, commencing at 9:00 a.m. on October 24, 2012.

The deposition will be taken before a Notary Public or other officer authorized by law to administer oaths. The deposition will be recorded by audio, video, and/or stenographic means.

Respectfully Submitted,

RAISING CANE'S USA, LLC

By 

Bassam N. Ibrahim

S. Lloyd Smith

Holly B. Lance

Buchanan Ingersoll & Rooney, P.C.

P.O. Box 1404

Alexandria, VA 22313-1404

Phone: (703) 836-6620

Fax: (703) 836-2021

Attorneys for Registrant/Opposer

Date: October 4, 2012

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing NOTICE OF DEPOSITION OF
MICHAEL CONLEY was served this 4th day of October 2012 by first-class mail, postage
prepaid, on:

Jill M. Pietrini, Esq.
Paul Bost, Esq.
SHEPPARD MULLIN RICHTER & HAMPTON LLP
333 South Hope Street
Forty-Third Floor
Los Angeles, CA 90071



Florie Goodman

Lance, Holly B.

From: Goodman, Florence J.
Sent: Wednesday, October 10, 2012 1:45 PM
To: PBost@sheppardmullin.com
Cc: Smith, S. Lloyd; Lance, Holly B.; Goodman, Florence J.
Subject: FW: Conley Deposition Notice - Raising Cane's USA, LLC v. Fifty-Six Hope; Our Ref.: 1032733-000078
Attachments: Conley Notice of Deposition.pdf.pdf

Paul,

Attached is the Conley Notice of Deposition. It was sent via first class mail on October 4, 2012.

Regards,

Florie Goodman

Florie Goodman
IP Legal Assistant to S. Lloyd Smith
Buchanan Ingersoll & Rooney P.C.
1737 King Street
Suite 500
Alexandria, VA 22314

Phone: (703)838-6575
Fax: (703)836-2021

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Wednesday, October 10, 2012 1:26 PM
To: Smith, S. Lloyd; Lance, Holly B.
Cc: Beth Anderson; Jackson, Michelle; Jill Pietrini
Subject: RE: Conley Deposition Notice - Raising Cane's USA, LLC v. Fifty-Six Hope; Our Ref.: 1032733-000078

Lloyd:

We don't have a record of Raising Cane's Conley deposition notice. Did you serve a copy on us? If so, how? Please email me a copy of the deposition notice and any proof of service. Thanks.

Paul Bost
Los Angeles | x12249
SheppardMullin

From: Smith, S. Lloyd [<mailto:lloyd.smith@bipc.com>]
Sent: Wednesday, October 10, 2012 6:52 AM
To: Lance, Holly B.; Paul Bost
Cc: Beth Anderson; Jackson, Michelle
Subject: Conley Deposition Notice - Raising Cane's USA, LLC v. Fifty-Six Hope; Our Ref.: 1032733-000078

Paul --

Further to our deposition notice served last week, please advise as to whether Mr. Conley will appear on October 24 as noticed, or whether you will propose an alternate date and location.

Regards,

Lloyd

S. Lloyd Smith, Esq.
Co-Chair Intellectual Property Litigation Practice Group
Buchanan, Ingersoll & Rooney, P.C.
1737 King St., Suite 500
Alexandria, VA 22314
703-838-6514
703-836-2021 (fax)
*Admitted in DC and MD.
<http://www.bipr.com/professionals.php?PeopleID=476>

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<i>In re Matter of Serial No. 77/549,263 for the mark: ONE LOVE</i> RAISING CANE'S USA, LLC, Opposer, vs. FIFTY-SIX HOPE ROAD MUSIC LIMITED, Applicant.	Opposition No.: 91198552 OPPOSER/REGISTRANT RAISING CANE'S USA, LLC'S NOTICE OF DEPOSITION OF PETITIONER/APPLICANT PURSUANT TO RULE (30)(b)(6)
<i>In re Matter of Registration No. 3,033,511 for the mark: ONE LOVE</i> FIFTY-SIX HOPE ROAD MUSIC LIMITED, Petitioner, vs. RAISING CANE'S USA, LLC, Registrant.	Cancellation No.: 92053461

TO: Jill M. Pietrini, Esq.
Paul Bost, Esq.
SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 Avenue of the Stars
Suite 1600
Los Angeles, CA 90067

PLEASE TAKE NOTICE that Opposer/Registrant Raising Cane's USA, LLC
("Registrant"), pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, and Trademark
Rules 2.120, shall take the deposition of Applicant/Petitioner, Fifty-Six Hope Road Music
Limited ("Petitioner"), by and through the officers, directors, managing agents or other persons

designated as being competent to testify on behalf of Petitioner with respect to the matters set forth in the attached Exhibit A.

The deposition will be by oral examination before a Notary Public or other officer authorized by law to administer oaths. The testimony will be recorded by audio, video, and/or stenographic means.

The deposition shall begin on October 25, 2012, at the offices of Buchanan Ingersoll & Rooney PC, 100 S.E. Second Street, Suite 3500, Miami, Florida 33131, commencing at 10:00 a.m., or on such other date or at such other location as the parties may agree or the Board may order. You are invited to attend.

Respectfully submitted,

RAISING CANE'S USA, LLC

By: Holly B. Lance

Bassam N. Ibrahim
S. Lloyd Smith
Holly B. Lance
Buchanan Ingersoll & Rooney PC
P.O. Box 1404
Alexandria, VA 22313-1404
Phone: (703) 836-6620
Fax: (703) 836-2021
Attorneys for Registrant/Opposer

Date: October 10, 2012

EXHIBIT A

The Definitions in Opposer/Registrant's First Set of Interrogatories are incorporated herein.

TOPICS FOR DEPOSITION

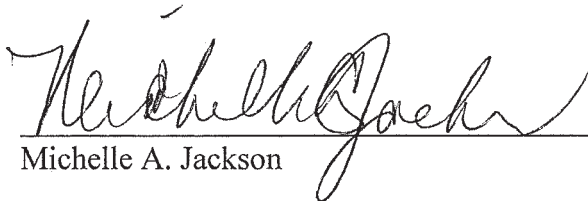
1. Petitioner's or its licensees use of Petitioner's alleged ONE LOVE mark.
2. Petitioner's or its licenses use of Petitioner's alleged ONE LOVE mark in connection with "restaurant services."
3. Petitioner's pending trademark applications for ONE LOVE in the United States Patent and Trademark Office.
4. The goods and services marketed and/or sold under Petitioner's alleged ONE LOVE mark.
5. Promotion and marketing of Petitioner's goods and services under the alleged ONE LOVE mark.
6. Sales of Petitioner's goods and services under the alleged ONE LOVE mark.
7. Distribution of Petitioner's goods and services under the alleged ONE LOVE mark.
8. Targeted or actual purchasers of Petitioner's goods and services.
9. Petitioner's first use of the alleged ONE LOVE mark.
10. Market research concerning Petitioner's alleged ONE LOVE mark or Registrant's Mark.
11. Goods and services for which Petitioner intends to use the alleged ONE LOVE mark.
12. Actual confusion that Petitioner is aware of between Petitioner's alleged ONE LOVE mark and Registrant's Mark.
13. Third-party use of the mark or phrase "one love."
14. All research, report, studies, investigations, surveys, searches and opinions concerning any mark comprised of or containing "one love," including but not limited to Petitioner's alleged ONE LOVE mark.
15. All agreement concerning Petitioner's alleged ONE LOVE mark.
16. Any other enforcement actions or proceedings involving Petitioner's alleged ONE LOVE mark.

17. The basis of all factual assertions in Petitioner's Amended Petition for Cancellation.
18. The basis of all factual assertions in Petitioner's Answer to the Notice of Opposition.
19. Petitioner's knowledge of Registrant's Mark, and the services offered by Registrant.
20. Petitioner's corporate structure, document retention policy, and compliance with discovery in this case.
21. Communications with Petitioner concerning Registrant or Registrant's use of ONE LOVE.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing OPPOSER/REGISTRANT'S NOTICE OF DEPOSITION OF PETITIONER/APPLICANT PURSUANT TO RULE 30(b)(6) was served this 10th day of October, 2012, by first-class mail, postage prepaid, on:

Jill M. Pietrini, Esq.
Paul Bost, Esq.
SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 Avenue of the Stars
Suite 1600
Los Angeles, CA 90067


Michelle A. Jackson

Lance, Holly B.

From: Lance, Holly B.
Sent: Wednesday, October 10, 2012 4:28 PM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Smith, S. Lloyd; Goodman, Florence J.; Jill Pietrini; Beth Anderson; LaTrina Martin; Cristina Ongsing
Subject: Notice of Deposition Pursuant to Rule 30(b)(6) - Raising Cane's USA, LLC v. Fifty-Six Hope; Our Ref. 1032733-000078
Attachments: Raising Cane's Notice of Deposition Pursuant to Rule 30(b)(6).pdf

Paul,

Attached is Raising Cane's USA, LLC's Notice of Deposition of Fifty-Six Hope Road Music Limited pursuant to Rule 30(b)(6).

We look forward to receiving prompt confirmation that the date and location in the attached Notice is acceptable, or proposals for alternative dates and locations.

In addition, the outstanding discovery issues must be resolved as expeditiously as possible so that we have adequate time to prepare before the depositions.

We appreciate your cooperation. Please confirm receipt of this message.

Regards,

Holly

Holly Lance
Buchanan Ingersoll & Rooney PC
1737 King Street, Suite 500
Alexandria, Virginia 22314
(703) 838-6526
Holly.Lance@bipc.com

Exhibit 2

Lance, Holly B.

From: Paul Bost <PBost@sheppardmullin.com>
Sent: Thursday, October 11, 2012 5:46 PM
To: Lance, Holly B.
Cc: Smith, S. Lloyd; Goodman, Florence J.; Jill Pietrini; Beth Anderson; LaTrina Martin; Cristina Ongsing
Subject: RE: Notice of Deposition Pursuant to Rule 30(b)(6) - Raising Cane's USA, LLC v. Fifty-Six Hope; Our Ref. 1032733-000078

Holly:

We are reviewing the 30(b)(6) and Conley deposition notices and will respond in due course. We note, though, that for a variety of reasons – including the fact that Jill is scheduled for jury duty from October 16 to October 29 (and has already been excused from service once) – we will be unable to go forward with the depositions as scheduled. For the same reasons, we need to extend all deadlines in this matter – most pertinently, the October 28 expert disclosure deadline – by 60 days. Please let us know if you will consent to such an extension.

You should have received our correspondences of yesterday by email. I look forward to your response to our letter regarding Raising Cane's discovery responses by October 17, 2012.

Also, we have not received responses to our Second Set of Requests for Admission. If they were served on our downtown LA office instead of the address on file, please email me a courtesy copy of them.

Paul Bost
Los Angeles | x12249
SheppardMullin

From: Lance, Holly B. [<mailto:holly.lance@bipc.com>]
Sent: Wednesday, October 10, 2012 1:28 PM
To: Paul Bost
Cc: Smith, S. Lloyd; Goodman, Florence J.; Jill Pietrini; Beth Anderson; LaTrina Martin; Cristina Ongsing
Subject: Notice of Deposition Pursuant to Rule 30(b)(6) - Raising Cane's USA, LLC v. Fifty-Six Hope; Our Ref. 1032733-000078

Paul,

Attached is Raising Cane's USA, LLC's Notice of Deposition of Fifty-Six Hope Road Music Limited pursuant to Rule 30(b)(6).

We look forward to receiving prompt confirmation that the date and location in the attached Notice is acceptable, or proposals for alternative dates and locations.

In addition, the outstanding discovery issues must be resolved as expeditiously as possible so that we have adequate time to prepare before the depositions.

We appreciate your cooperation. Please confirm receipt of this message.

Regards,

Holly

Holly Lance
Buchanan Ingersoll & Rooney PC
1737 King Street, Suite 500
Alexandria, Virginia 22314
(703) 838-6526
Holly.Lance@bipc.com

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Exhibit 3

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Tuesday, October 23, 2012 9:25 AM
To: Paul Bost
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson; Ibrahim, Bassam; Goodman, Florence J.
Subject: RE: Raising Cane's v. 56 Hope Road - Depositions of Mike Conley and 56 Hope Road

Paul --

This confirms that we will defer Mike Conley and Fifty Six Hope's 30(b)(6) depositions until a mutually agreeable date. We look forward to receiving alternative proposed dates from you soon.

Regards,

Lloyd

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Monday, October 22, 2012 9:27 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Jill Pietrini; Beth Anderson
Subject: Raising Cane's v. 56 Hope Road - Depositions of Mike Conley and 56 Hope Road

Lloyd:

Pursuant to the parties' prior correspondence, please confirm that Raising Cane's depositions of Mike Conley and 56 Hope Road are not proceeding this week but are continued until the parties come to a mutually agreeable deposition schedule.

Best,

Paul

Paul Bost

310.228.2249 | direct
310.228.3980 | direct fax
PBost@sheppardmullin.com | Bio

SheppardMullin

Sheppard Mullin Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6017
310.228.3700 | main
www.sheppardmullin.com

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Lance, Holly B.

From: Smith, S. Lloyd
Sent: Monday, November 12, 2012 10:20 AM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam
Subject: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

It looks like Todd Graves and Raising Cane's 30(b)(6) will be unable to appear on November 28 and 29 as noticed. We will get back to you shortly with alternative dates.

Please advise as to what alternative dates you propose for the Fifty Six Hope witnesses (Mr. Conley and the 30(b)(6) witness) we originally noticed for October 24 and 25.

Regards,

Lloyd

S. Lloyd Smith, Esq.
Co-Chair Intellectual Property Litigation Practice Group
Buchanan, Ingersoll & Rooney, P.C.
1737 King St., Suite 500
Alexandria, VA 22314
703-838-6514
703-836-2021 (fax)
*Admitted in DC and MD.
<http://www.bipc.com/professionals.php?PeopleID=476>

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Monday, November 19, 2012 10:09 AM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

Todd Graves will be available for his deposition on Jan. 23, 2013 at the Westin Dallas Fort Worth Airport, per the location you stated in your deposition notice. Raising Cane's 30(b)(6) witness or witnesses will be made available on the Jan. 24, 2013 at the same location. Please confirm these dates as soon as possible because Mr. Graves is very busy and we need to set his schedule.

As stated below, we look forward to receiving dates for Mr. Conley and 56 Hope's 30(b)(6) witness right away so that we can set the schedule.

Regards,

Lloyd

From: Smith, S. Lloyd
Sent: Monday, November 12, 2012 10:20 AM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam
Subject: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

It looks like Todd Graves and Raising Cane's 30(b)(6) will be unable to appear on November 28 and 29 as noticed. We will get back to you shortly with alternative dates.

Please advise as to what alternative dates you propose for the Fifty Six Hope witnesses (Mr. Conley and the 30(b)(6) witness) we originally noticed for October 24 and 25.

Regards,

Lloyd

S. Lloyd Smith, Esq.
Co-Chair Intellectual Property Litigation Practice Group
Buchanan, Ingersoll & Rooney, P.C.
1737 King St., Suite 500
Alexandria, VA 22314
703-838-6514
703-836-2021 (fax)
*Admitted in DC and MD.
<http://www.bipc.com/professionals.php?PeopleID=476>

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Monday, November 26, 2012 9:32 AM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul --

We look forward to hearing from you as soon as possible so that we can finalize these deposition dates Mr. Graves and Raising Cane's 30(b)(6) witness or witnesses and also set the dates for 56 Hope's witnesses.

-- Lloyd

From: Smith, S. Lloyd
Sent: Monday, November 19, 2012 10:09 AM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul --

Todd Graves will be available for his deposition on Jan. 23, 2013 at the Westin Dallas Fort Worth Airport, per the location you stated in your deposition notice. Raising Cane's 30(b)(6) witness or witnesses will be made available on the Jan. 24, 2013 at the same location. Please confirm these dates as soon as possible because Mr. Graves is very busy and we need to set his schedule.

As stated below, we look forward to receiving dates for Mr. Conley and 56 Hope's 30(b)(6) witness right away so that we can set the schedule.

Regards,

Lloyd

From: Smith, S. Lloyd
Sent: Monday, November 12, 2012 10:20 AM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam
Subject: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul --

It looks like Todd Graves and Raising Cane's 30(b)(6) will be unable to appear on November 28 and 29 as noticed. We will get back to you shortly with alternative dates.

Please advise as to what alternative dates you propose for the Fifty Six Hope witnesses (Mr. Conley and the 30(b)(6) witness) we originally noticed for October 24 and 25.

Regards,

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Friday, December 07, 2012 2:34 PM
To: Paul Bost
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul --

Please let us know whether you will take our additional 30b6 witness on Jan. 24 or the morning of Jan. 25.

Also, please give us proposed dates for Fifty Six Hope's witnesses, as we have asked you many times. The several week delay in providing us proposed dates is unreasonable.

Regards,

Lloyd

From: Smith, S. Lloyd
Sent: Friday, November 30, 2012 1:11 PM
To: 'Paul Bost'
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul --

Thank you for confirming Todd Grave's deposition date. We will see you on Jan. 23, 2013 at the Westin Dallas Fort Worth Airport, per the location you stated in your deposition notice.

Raising Cane's 30(b)(6) witness will only be available until about noon on Jan. 25 - can you limit the deposition accordingly, or would you prefer to take the deposition Jan. 24?

Regards,

Lloyd

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Thursday, November 29, 2012 1:13 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Lloyd:

The suggested date for Mr. Graves' deposition will work. Is Raising Cane's available for the 30(b)(6) deposition on January 25, 2013, instead of January 24, 2013?

We're still inquiring into dates for deposition of Mr. Conley and Fifty-Six Hope Road 30(b)(6) witness.

Exhibit 4

Lance, Holly B.

From: Paul Bost <PBost@sheppardmullin.com>
Sent: Sunday, December 09, 2012 7:53 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson; Jill Pietrini
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Lloyd:

We will take the deposition on January 24.

I will do my best to get you dates for 56 Hope Road's witnesses by the close of this week. Of course, this may be mooted by our motion to compel and the Board's likely suspension of the matter.

Best,

Paul

Paul Bost
Los Angeles | x12249
SheppardMullin

From: Smith, S. Lloyd [mailto:lloyd.smith@bipc.com]
Sent: Friday, December 07, 2012 11:34 AM
To: Paul Bost
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul --

Please let us know whether you will take our additional 30b6 witness on Jan. 24 or the morning of Jan. 25.

Also, please give us proposed dates for Fifty Six Hope's witnesses, as we have asked you many times. The several week delay in providing us proposed dates is unreasonable.

Regards,

Lloyd

From: Smith, S. Lloyd
Sent: Friday, November 30, 2012 1:11 PM
To: 'Paul Bost'
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul --

Thank you for confirming Todd Grave's deposition date. We will see you on Jan. 23, 2013 at the Westin Dallas Fort Worth Airport, per the location you stated in your deposition notice.

Raising Cane's 30(b)(6) witness will only be available until about noon on Jan. 25 - can you limit the deposition accordingly, or would you prefer to take the deposition Jan. 24?

Regards,

Lloyd

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Thursday, November 29, 2012 1:13 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Lloyd:

The suggested date for Mr. Graves' deposition will work. Is Raising Cane's available for the 30(b)(6) deposition on January 25, 2013, instead of January 24, 2013?

We're still inquiring into dates for deposition of Mr. Conley and Fifty-Six Hope Road 30(b)(6) witness.

Paul Bost
Los Angeles | x12249
SheppardMullin

From: Smith, S. Lloyd [<mailto:lloyd.smith@bipc.com>]
Sent: Monday, November 26, 2012 6:32 AM
To: Paul Bost
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul --

We look forward to hearing from you as soon as possible so that we can finalize these deposition dates Mr. Graves and Raising Cane's 30(b)(6) witness or witnesses and also set the dates for 56 Hope's witnesses.

- Lloyd

From: Smith, S. Lloyd
Sent: Monday, November 19, 2012 10:09 AM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul --

Todd Graves will be available for his deposition on Jan. 23, 2013 at the Westin Dallas Fort Worth Airport, per the location you stated in your deposition notice. Raising Cane's 30(b)(6) witness or witnesses will be made available on the Jan. 24, 2013 at the same location. Please confirm these dates as soon as possible because Mr. Graves is very busy and we need to set his schedule.

As stated below, we look forward to receiving dates for Mr. Conley and 56 Hope's 30(b)(6) witness right away so that we can set the schedule.

Regards,

Lloyd

From: Smith, S. Lloyd

Sent: Monday, November 12, 2012 10:20 AM

To: Paul Bost (PBost@sheppardmullin.com)

Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam

Subject: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

It looks like Todd Graves and Raising Cane's 30(b)(6) will be unable to appear on November 28 and 29 as noticed. We will get back to you shortly with alternative dates.

Please advise as to what alternative dates you propose for the Fifty Six Hope witnesses (Mr. Conley and the 30(b)(6) witness) we originally noticed for October 24 and 25.

Regards,

Lloyd

S. Lloyd Smith, Esq.
Co-Chair Intellectual Property Litigation Practice Group
Buchanan, Ingersoll & Rooney, P.C.
1737 King St., Suite 500
Alexandria, VA 22314
703-838-6514
703-836-2021 (fax)
*Admitted in DC and MD.
<http://www.bipc.com/professionals.php?PeopleID=476>

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Exhibit 5

Lance, Holly B.

From: Paul Bost <PBost@sheppardmullin.com>
Sent: Tuesday, January 08, 2013 3:04 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson; Jill Pietrini
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Lloyd:

Happy new year.

Due to short schedules set in two other federal court cases issued recently, we need to reschedule our depositions of Mr. Grave's and Raising Cane's 30(b)(6) witness(es) for February. Please let us know your witnesses availability in February 2013. Also, and as reflected in the reply brief we intend to file today, Mr. Conley and Fifty-Six Hope Road's 30(b)(6) witness are generally available in February in Jacksonville, FL and New York, NY, respectively. Please let us know prospective dates for their deposition.

Best,

Paul

Paul Bost

Los Angeles | x12249
SheppardMullin

From: Smith, S. Lloyd [mailto:lloyd.smith@bipc.com]
Sent: Monday, January 07, 2013 7:38 AM
To: Paul Bost
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson; Jill Pietrini
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

We are finalizing travel plans for the upcoming Jan. 23 and Jan. 24 depositions at the Westin Dallas Fort Worth Airport. Your notices indicate that you intend to start at 9:30 a.m. Please advise if you would like to start at 9:00 a.m. instead.

- Lloyd

From: Paul Bost [mailto:PBost@sheppardmullin.com]
Sent: Sunday, December 09, 2012 7:53 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson; Jill Pietrini
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Lloyd:

Exhibit 6

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Friday, January 11, 2013 3:54 PM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson; Jill Pietrini
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

We would prefer to move forward with the January depositions of Mr. Grave's and Raising Cane's 30(b)(6) witnesses, and complete all depositions before the January 26, 2013 close of discovery but I guess we have no choice if you are unavailable.

We will propose alternate dates from the depositions of Raising Canes. We propose either February 12 or 13 for the deposition of Fifty Six Hope in New York, and February 20 or 21 for the deposition in Jacksonville. Please let us know which dates you will make the witnesses available.

Regards,

Lloyd

From: Paul Bost [mailto:PBost@sheppardmullin.com]
Sent: Tuesday, January 08, 2013 3:04 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson; Jill Pietrini
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Lloyd:

Happy new year.

Due to short schedules set in two other federal court cases issued recently, we need to reschedule our depositions of Mr. Grave's and Raising Cane's 30(b)(6) witness(es) for February. Please let us know your witnesses availability in February 2013. Also, and as reflected in the reply brief we intend to file today, Mr. Conley and Fifty-Six Hope Road's 30(b)(6) witness are generally available in February in Jacksonville, FL and New York, NY, respectively. Please let us know prospective dates for their deposition.

Best,

Paul

Paul Bost
Los Angeles | x12249
SheppardMullin

From: Smith, S. Lloyd [mailto:lloyd.smith@bipc.com]
Sent: Monday, January 07, 2013 7:38 AM
To: Paul Bost

Exhibit 7

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Tuesday, January 22, 2013 9:20 AM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson; Jill Pietrini
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

Will you please let us know if the deposition dates proposed in my January 11 email below work. We have other commitments in February we need to schedule.

Regards,

Lloyd

From: Smith, S. Lloyd
Sent: Friday, January 11, 2013 3:54 PM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson; Jill Pietrini
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

We would prefer to move forward with the January depositions of Mr. Grave's and Raising Cane's 30(b)(6) witnesses, and complete all depositions before the January 26, 2013 close of discovery but I guess we have no choice if you are unavailable.

We will propose alternate dates from the depositions of Raising Canes. We propose either February 12 or 13 for the deposition of Fifty Six Hope in New York, and February 20 or 21 for the deposition in Jacksonville. Please let us know which dates you will make the witnesses available.

Regards,

Lloyd

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Tuesday, January 08, 2013 3:04 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson; Jill Pietrini
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Lloyd:

Happy new year.

Due to short schedules set in two other federal court cases issued recently, we need to reschedule our depositions of Mr. Grave's and Raising Cane's 30(b)(6) witness(es) for February. Please let us know your witnesses availability in February 2013. Also, and as reflected in the reply brief we intend to file today, Mr. Conley and Fifty-Six Hope Road's 30(b)(6) witness are generally available in February in Jacksonville, FL and New York, NY, respectively. Please let us know prospective dates for their deposition.

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Thursday, January 24, 2013 2:28 PM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson; Jill Pietrini
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

We will make Todd Graves and our 30(b)(6) witness available March 12 and 13, respectively. Please confirm that you will take their depositions on these dates.

We are still waiting for a response from you concerning my proposed dates for Mr. Conley and Fifty-Six Hope's 30(b)(6) witness.

Regards,

Lloyd

From: Smith, S. Lloyd
Sent: Tuesday, January 22, 2013 9:20 AM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; 'Beth Anderson'; 'Jill Pietrini'
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

Will you please let us know if the deposition dates proposed in my January 11 email below work. We have other commitments in February we need to schedule.

Regards,

Lloyd

From: Smith, S. Lloyd
Sent: Friday, January 11, 2013 3:54 PM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson; Jill Pietrini
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

We would prefer to move forward with the January depositions of Mr. Grave's and Raising Cane's 30(b)(6) witnesses, and complete all depositions before the January 26, 2013 close of discovery but I guess we have no choice if you are unavailable.

We will propose alternate dates from the depositions of Raising Canes. We propose either February 12 or 13 for the deposition of Fifty Six Hope in New York, and February 20 or 21 for the deposition in Jacksonville. Please let us know which dates you will make the witnesses available.

Regards,

Exhibit 8

Lance, Holly B.

From: Paul Bost <PBost@sheppardmullin.com>
Sent: Tuesday, January 29, 2013 10:15 PM
To: Smith, S. Lloyd
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson; Jill Pietrini
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Lloyd:

I will get back to you on the proposed dates for RC's witnesses' depositions.

When are you available for deposition of 56 Hope Road's witnesses in March 2013?

Paul Bost

Los Angeles | x12249

SheppardMullin

From: Smith, S. Lloyd [mailto:lloyd.smith@bipc.com]
Sent: Thursday, January 24, 2013 11:28 AM
To: Paul Bost
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; Beth Anderson; Jill Pietrini
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

We will make Todd Graves and our 30(b)(6) witness available March 12 and 13, respectively. Please confirm that you will take their depositions on these dates.

We are still waiting for a response from you concerning my proposed dates for Mr. Conley and Fifty-Six Hope's 30(b)(6) witness.

Regards,

Lloyd

From: Smith, S. Lloyd
Sent: Tuesday, January 22, 2013 9:20 AM
To: Paul Bost (PBost@sheppardmullin.com)
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; 'Beth Anderson'; 'Jill Pietrini'
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Paul –

Will you please let us know if the deposition dates proposed in my January 11 email below work. We have other commitments in February we need to schedule.

Regards,

Exhibit 9

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Friday, February 22, 2013 2:58 PM
To: 'Paul Bost'
Cc: Lance, Holly B.; Goodman, Florence J.; Ibrahim, Bassam; 'Beth Anderson'; 'Jill Pietrini'
Subject: RE: Deposition Notices - Raising Cane's v. 56 Hope Road (our ref:1032733-000078)

Categories: In DM, #3136676 : 1032733 : 000078 : ALX1_General

Jill and Paul:

We request a conference with the Board's interlocutory attorney to address scheduling deposition dates. The reasons for our request include:

1. Raising Cane's originally noticed the deposition of Michael Conley and Fifty-Six Hope's Rule 30(b)(6) witness in early October, with proposed dates of October 24 and 25, 2012. Fifty-Six Hope put off scheduling depositions for a "variety of reasons" including jury duty. We then made numerous attempts to schedule the depositions. On December 9, 2012, you told us that Fifty-Six Hope would "do [its] best" to schedule depositions by December 14, 2012. Your firm failed to follow through and respond by this date.
2. The Board's December 27, 2012 response to Raising Cane's Motion to Compel explicitly noted that "Fifty-Six is reminded that the December 12, 2012 suspension did not toll the time for either party to appear for a discovery deposition..."
3. On January 8, 2013, you requested our availability in February 2013 to conduct depositions of Fifty-Six Hope's witnesses. We promptly provided you multiple proposed February dates; however, despite our follow-up, you failed to provide confirmation for any of these dates.
4. Finally, on January 29, 2013 you again inexplicably delayed scheduling the depositions, and asked us for our availability in March 2013. On February 1, 2013, we gave you multiple availability dates in March. Three weeks later, your failure to address our proposed dates continues.
5. Your firm's conduct with respect to scheduling the depositions for Raising Cane's witnesses has been similar. On January 8, your firm cancelled the January 23 and 24, 2013 depositions of Raising Cane's witnesses, which had been scheduled since November 29, 2012. After several weeks and numerous follow-up emails regarding our proposed dates of March 12 and 13, we were told, without further explanation, that "[Fifty-Six Hope] is unable to confirm these dates at this time." We have received no further correspondence regarding the depositions.

Unfortunately, this pattern of conduct appears to require the intervention of the Board so that we can schedule depositions. These consistent delays are discourteous and prejudicial to our client. Nevertheless, we remain committed to working with you to schedule the parties' depositions, with reasonable accommodations to the parties' and counsels' schedules. Please let us know if you will consent to a conference with the Board next week, subject to the Board's availability.

We appreciate your immediate attention to this matter.

Regards,

Lloyd

Exhibit 10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<i>In re Matter of Serial No. 77/549,263</i> <i>for the mark:</i> ONE LOVE RAISING CANE'S USA, LLC, Opposer, vs. FIFTY-SIX HOPE ROAD MUSIC LIMITED, Applicant.	Opposition No. 91198552
<i>In re Matter of Registration No. 3,033,511</i> <i>for the mark:</i> ONE LOVE FIFTY-SIX HOPE ROAD MUSIC LIMITED, Petitioner, vs. RAISING CANE'S USA, LLC, Registrant.	Cancellation No. 92053461

RE-NOTICE OF DEPOSITION OF MICHAEL CONLEY

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30, Registrant/Opposer Raising Cane's USA, LLC shall take the oral deposition of Michael Conley at the offices of Zion Rootswear LLC, 465 Tresca Road, Jacksonville, FL 32225, commencing at 9:00 a.m. on July 17, 2013.

The deposition will be taken before a Notary Public or other officer authorized by law to administer oaths. The deposition will be recorded by audio, video, and/or stenographic means.

Respectfully Submitted,

RAISING CANE'S USA, LLC

By 

Bassam N. Ibrahim

S. Lloyd Smith

Holly B. Lance

Buchanan Ingersoll & Rooney, P.C.

P.O. Box 1404

Alexandria, VA 22313-1404

Phone: (703) 836-6620

Fax: (703) 836-2021


Attorneys for Registrant/Opposer

Date: June 20, 2013

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing RE-NOTICE OF DEPOSITION
OF MICHAEL CONLEY was served this 20th day of June 2012 by first-class mail, postage
prepaid, on:

Jill M. Pietrini, Esq.
Paul Bost, Esq.
SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 Avenue of the Stars
Suite 1600
Los Angeles, CA 90067



Florence Goodman

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<p>In re Matter of Serial No. 77/549,263</p> <p><i>for the mark:</i> ONE LOVE</p> <p>RAISING CANE'S USA, LLC,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">vs.</p> <p>FIFTY-SIX HOPE ROAD MUSIC LIMITED,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No.: 91198552</p> <p>OPPOSER/REGISTRANT RAISING CANE'S USA, LLC'S RE-NOTICE OF DEPOSITION OF PETITIONER/APPLICANT PURSUANT TO RULE (30)(b)(6)</p>
<p><i>In re Matter of Registration No. 3,033,511</i></p> <p><i>for the mark:</i> ONE LOVE</p> <p>FIFTY-SIX HOPE ROAD MUSIC LIMITED,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">vs.</p> <p>RAISING CANE'S USA, LLC,</p> <p style="text-align: center;">Registrant.</p>	<p>Cancellation No.: 92053461</p>

TO: Jill M. Pietrini, Esq.
Paul Bost, Esq.
SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 Avenue of the Stars
Suite 1600
Los Angeles, CA 90067

PLEASE TAKE NOTICE that Opposer/Registrant Raising Cane's USA, LLC ("Registrant"), pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, and Trademark Rules 2.120, shall take the deposition of Applicant/Petitioner, Fifty-Six Hope Road Music Limited ("Petitioner"), by and through the officers, directors, managing agents or other persons

designated as being competent to testify on behalf of Petitioner with respect to the matters set forth in the attached Exhibit A.

The deposition will be by oral examination before a Notary Public or other officer authorized by law to administer oaths. The testimony will be recorded by audio, video, and/or stenographic means.

The deposition shall begin on July 18, 2013, at the offices of Buchanan Ingersoll & Rooney PC, 100 S.E. Second Street, Suite 3500, Miami, Florida 33131, commencing at 10:00 a.m., or on such other date or at such other location as the parties may agree or the Board may order. You are invited to attend.

Respectfully submitted,

RAISING CANE'S USA, LLC

By: 

Bassam N. Ibrahim

S. Lloyd Smith

Holly B. Lance

Buchanan Ingersoll & Rooney PC

P.O. Box 1404

Alexandria, VA 22313-1404

Phone: (703) 836-6620

Fax: (703) 836-2021

Attorneys for Registrant/Opposer

Date: June 20, 2013

EXHIBIT A

The Definitions in Opposer/Registrant's First Set of Interrogatories are incorporated herein.

TOPICS FOR DEPOSITION


1. Petitioner's or its licensees use of Petitioner's alleged ONE LOVE mark.
2. Petitioner's or its licenses use of Petitioner's alleged ONE LOVE mark in connection with "restaurant services."
3. Petitioner's pending trademark applications for ONE LOVE in the United States Patent and Trademark Office.
4. The goods and services marketed and/or sold under Petitioner's alleged ONE LOVE mark.
5. Promotion and marketing of Petitioner's goods and services under the alleged ONE LOVE mark.
6. Sales of Petitioner's goods and services under the alleged ONE LOVE mark.
7. Distribution of Petitioner's goods and services under the alleged ONE LOVE mark.
8. Targeted or actual purchasers of Petitioner's goods and services.
9. Petitioner's first use of the alleged ONE LOVE mark.
10. Market research concerning Petitioner's alleged ONE LOVE mark or Registrant's Mark.
11. Goods and services for which Petitioner intends to use the alleged ONE LOVE mark.
12. Actual confusion that Petitioner is aware of between Petitioner's alleged ONE LOVE mark and Registrant's Mark.
13. Third-party use of the mark or phrase "one love."
14. All research, report, studies, investigations, surveys, searches and opinions concerning any mark comprised of or containing "one love," including but not limited to Petitioner's alleged ONE LOVE mark.
15. All agreement concerning Petitioner's alleged ONE LOVE mark.
16. Any other enforcement actions or proceedings involving Petitioner's alleged ONE LOVE mark.

17. The basis of all factual assertions in Petitioner's Amended Petition for Cancellation.
18. The basis of all factual assertions in Petitioner's Answer to the Notice of Opposition.
19. Petitioner's knowledge of Registrant's Mark, and the services offered by Registrant.
20. Petitioner's corporate structure, document retention policy, and compliance with discovery in this case.
21. Communications with Petitioner concerning Registrant or Registrant's use of ONE LOVE.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing OPPOSER/REGISTRANT'S RE-
NOTICE OF DEPOSITION OF PETITIONER/APPLICANT PURSUANT TO RULE 30(b)(6)
was served this 20th day of June, 2013, by first-class mail, postage prepaid, on:

Jill M. Pietrini, Esq.
Paul Bost, Esq.
SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 Avenue of the Stars
Suite 1600
Los Angeles, CA 90067



Florence Goodman

Lance, Holly B.

From: Goodman, Florence J.
Sent: Thursday, June 20, 2013 12:02 PM
To: PBost@sheppardmullin.com; Jill Pietrini (JPietrini@sheppardmullin.com)
Cc: Smith, S. Lloyd; Ibrahim, Bassam; Lance, Holly B.; Goodman, Florence J.
Subject: Re-Notices of Depositions; Raising Cane's v. 56 Hope Road
Attachments: Re-Notice of Deposition of PetitionerApplicant.pdf; Re-Notice of Deposition of Michael Conley.pdf

Paul and Jill,

Attached please find courtesy copies of Raising Cane's Re-Notices of Depositions. The originals will follow via first class mail.

Regards,

Florie Goodman

Florie Goodman
IP Legal Assistant to S. Lloyd Smith
Buchanan Ingersoll & Rooney P.C.
1737 King Street
Suite 500
Alexandria, VA 22314

Phone: (703)838-6575
Fax: (703)836-2021

Exhibit 11

Lance, Holly B.

From: Smith, S. Lloyd
Sent: Thursday, August 01, 2013 10:38 AM
To: Paul Bost; Jill Pietrini
Cc: Ibrahim, Bassam; Lance, Holly B.; Goodman, Florence J.; Beth Anderson
Subject: RE: Re-Notices of Depositions; Raising Cane's v. 56 Hope Road

Paul and Jill –

It has been over 40 days since we re-noticed these depositions and we still don't even have proposed dates from you. Your delay is unreasonable.

When can we expect a good faith proposal of alternate deposition dates for Fifty Six Hope's witnesses to appear? I am available if you would like to discuss this by telephone.

Regards,

Lloyd

From: Smith, S. Lloyd
Sent: Thursday, July 18, 2013 10:21 AM
To: 'Paul Bost'; 'Jill Pietrini'
Cc: Ibrahim, Bassam; Lance, Holly B.; Goodman, Florence J.; 'Beth Anderson'
Subject: RE: Re-Notices of Depositions; Raising Cane's v. 56 Hope Road

Paul –

Further to our telephone conversation on Tuesday July 16, we look forward to hearing from you with deposition dates shortly.

Regards,

Lloyd

From: Smith, S. Lloyd
Sent: Monday, July 15, 2013 10:05 AM
To: 'Paul Bost'; 'Jill Pietrini'
Cc: Ibrahim, Bassam; Lance, Holly B.; Goodman, Florence J.; 'Beth Anderson'
Subject: RE: Re-Notices of Depositions; Raising Cane's v. 56 Hope Road

Paul –

When will you be sending proposing alternative deposition dates and locations? (We note your "objections" to the time and place we proposed).

It has now been three and a half weeks since we proposed new deposition dates. This is more than a reasonable amount of time for you to contact your client and propose alternative dates and locations to us in good faith.

I attempted to call you to discuss this with you last week and am generally available this week if you would like to discuss.

Regards,

Lloyd

From: Smith, S. Lloyd
Sent: Wednesday, July 10, 2013 3:07 PM
To: 'Paul Bost'; Jill Pietrini
Cc: Ibrahim, Bassam; Lance, Holly B.; Goodman, Florence J.; Beth Anderson
Subject: RE: Re-Notices of Depositions; Raising Cane's v. 56 Hope Road

Paul –

When will you be sending us proposed alternative dates? I has been 20 days since we sent you the deposition notices.

- Lloyd

From: Paul Bost [<mailto:PBost@sheppardmullin.com>]
Sent: Wednesday, July 10, 2013 3:05 PM
To: Smith, S. Lloyd; Jill Pietrini
Cc: Ibrahim, Bassam; Lance, Holly B.; Goodman, Florence J.; Beth Anderson
Subject: RE: Re-Notices of Depositions; Raising Cane's v. 56 Hope Road

Sorry, Lloyd – I was out of the office for a moment.

We will be serving formal objections to the notices of deposition shortly which reflect, among other things, our 30(b)(6) designees' and Mr. Conley's unavailability to appear on the noticed dates.

Paul Bost
Los Angeles | x12249
SheppardMullin

From: Smith, S. Lloyd [<mailto:lloyd.smith@bipc.com>]
Sent: Wednesday, July 10, 2013 11:50 AM
To: Paul Bost; Jill Pietrini
Cc: Ibrahim, Bassam; Lance, Holly B.; Goodman, Florence J.
Subject: RE: Re-Notices of Depositions; Raising Cane's v. 56 Hope Road

Paul –

I just tried to reach by telephone. Please let us know whether your witnesses will appear as noticed per my email below.

- Lloyd

From: Smith, S. Lloyd
Sent: Monday, July 08, 2013 3:03 PM
To: PBost@sheppardmullin.com; Jill Pietrini (JPietrini@sheppardmullin.com)
Cc: Ibrahim, Bassam; Lance, Holly B.; Goodman, Florence J.
Subject: RE: Re-Notices of Depositions; Raising Cane's v. 56 Hope Road

Paul –

Will you please confirm that 56 Hope's witnesses will appear on July 17 and 18 as noticed on June 20. We need to finalize our travel plans.

- Lloyd

From: Goodman, Florence J.
Sent: Thursday, June 20, 2013 12:02 PM
To: PBost@sheppardmullin.com; Jill Pietrini (JPietrini@sheppardmullin.com)
Cc: Smith, S. Lloyd; Ibrahim, Bassam; Lance, Holly B.; Goodman, Florence J.
Subject: Re-Notices of Depositions; Raising Cane's v. 56 Hope Road

Paul and Jill,

Attached please find courtesy copies of Raising Cane's Re-Notices of Depositions. The originals will follow via first class mail.

Regards,

Florie Goodman

Florie Goodman
IP Legal Assistant to S. Lloyd Smith
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Alexandria, VA 22314

Phone: (703)838-6575
Fax: (703)836-2021

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